

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1211**

**House Bill No. 555\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 29-13-103, is amended by deleting subdivision (a)(4) and substituting:

(4) The claimant has fully cooperated with the police and the district attorney general in the investigation and prosecution of the offender, except in cases involving a victim of human trafficking where it is determined that the victim's cooperation may be impacted due to the victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's well-being;

SECTION 2. Tennessee Code Annotated, Section 29-13-106, is amended by deleting subsection (c) and substituting:

(c) Compensation must not be awarded for any personal injury or loss alleged to have been incurred as a result of pain and suffering, except for victims of the crime of rape, victims of a human trafficking offense, and victims of a crime involving sexual deviancy, including minors who are victims of the crimes contained in § 39-13-314, § 39-13-316, §§ 39-13-502 – 39-13-505, § 39-13-522, § 39-15-302, § 39-17-902, and §§ 39-17-1003 – 39-17-1005, or any attempt, conspiracy, or solicitation to commit such offenses.

SECTION 3. Tennessee Code Annotated, Section 29-13-108, is amended by deleting subsection (a) and substituting:



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(a) A claim for compensation must be filed not later than two (2) years after the occurrence of the crime upon which the claim is based, two (2) years after the death of the victim, or two (2) years after any mental or physical manifestation or injury is diagnosed as a result of an act committed against a minor that would constitute a criminal offense under §§ 39-13-502 – 39-13-505, § 39-13-522, § 39-15-302, § 39-17-902, or §§ 39-17-1003 – 39-17-1005, or an attempt, conspiracy, or solicitation to commit such offenses; provided, that upon good cause shown, the time period for filing such claim may be extended either before or after the expiration of the filing period. A claim cannot be filed until the crime upon which the claim is based has been reported by the victim, or a member of the victim's family, to the proper authorities, and in no case may an award be made where the law enforcement records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless, for good cause shown, it is found that the delay was justified. Good cause for the failure of a victim or a member of the victim's family to report a crime may be found if the victim is:

- (1) Physically unable;
- (2) A victim of sexual assault;
- (3) A victim of domestic abuse; or
- (4) A victim of human trafficking.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1219**

**House Bill No. 1400\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-503(b), is amended by deleting the subsection and substituting:

(b)

(1) Except as provided in subdivision (b)(2), rape is a Class B felony.

(2) If the victim of the offense is at least thirteen (13) years of age but less than eighteen (18) years of age, rape is a Class B felony and, notwithstanding title 40, chapter 35, the defendant shall be punished as a Range II offender; however, the sentence imposed upon the defendant may, if appropriate, be within Range III but in no case shall it be lower than Range II.

SECTION 2. Tennessee Code Annotated, Section 39-15-302(b), is amended by deleting the subsection and substituting:

(b)

(1) Except as provided in subdivision (b)(2), incest is a Class C felony.

(2) If the victim of the offense is a minor, incest is a Class B felony and, notwithstanding title 40, chapter 35, the defendant shall be punished as a Range II offender; however, the sentence imposed upon the defendant may, if appropriate, be within Range III but in no case shall it be lower than Range II.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 807**

**House Bill No. 832\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (31)(N) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 40-39-207(a), is amended by adding the following as a new subdivision:

(5) Notwithstanding subdivision (a)(1), an offender who is required to register pursuant to this part because the offender was convicted of the offense of criminal exposure of another to human immunodeficiency virus (HIV) under § 39-13-109(a)(1) and the offense was committed prior to July 1, 2023, may file a request for termination of registration requirements with TBI headquarters in Nashville.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 933**

**House Bill No. 908\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-10-502, is amended by deleting subsection (c) and substituting:

(1) A motor vehicle used in the commission of a violation of subsection (a) is subject to seizure and forfeiture as provided in title 40, chapter 33, part 2, if:

(A) The perpetrator of the offense is the sole owner of the motor vehicle;

and

(B) The motor vehicle is not subject to the interest of a secured party.

(2) The department of safety is designated as the applicable agency, as defined by § 40-33-202, for all forfeitures authorized by this section.

(3) Only POST-certified or state-commissioned law enforcement officers are authorized to seize vehicles pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by inserting the language "§ 55-10-502," after the language "§ 53-11-451,".

SECTION 3. Tennessee Code Annotated, Section 40-33-210(a), is amended by inserting the language "55-10-502," after the language "55-10-414,".

SECTION 4. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following as a new subsection:

( ) Notwithstanding this section or another law to the contrary, a motor vehicle forfeited under the authority of § 55-10-502 must be destroyed and is not subject to sale or use by a state, county, or municipal agency.



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SECTION 5. Tennessee Code Annotated, Section 40-33-214, is amended by inserting the language "§ 55-10-502," after the language "§ 55-10-414,".

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it, and applies to offenses committed on or after that date.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date _____
Time _____
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Comm. Amdt. _____

**AMEND Senate Bill No. 932**

**House Bill No. 830\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following as a new subsection:

(d) Notwithstanding subsection (a), a person charged with a Class A or Class B felony shall not be released on their own recognizance without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges.

SECTION 2. Tennessee Code Annotated, Section 40-11-116, is amended by adding the following as a new subsection:

(c) A person charged with a Class A or Class B felony shall not be released pursuant to subdivision (b)(1) without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges.

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subsection (a) and substituting:

(a) If a defendant has been released pursuant to § 40-11-115 or § 40-11-116, or has been admitted to and released on bail for a criminal offense, whether prior to or during trial or pending appeal, and the defendant is charged with the commission of one (1) or more bailable offenses while released, then the defendant shall only be released pursuant to § 40-11-118 or § 40-11-122, and the magistrate or judge shall set the defendant's bail on each new offense in an amount not less than twice that which is customarily set for the offense charged.



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SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.



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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 720**

**House Bill No. 458\***

by deleting SECTION 4 and substituting the following:

SECTION 4. Tennessee Code Annotated, Section 69-9-219(c), is amended by deleting the subsection and substituting the following:

(1)

(A) Except as otherwise provided in this subdivision (c)(1), a person who violates § 69-9-217(a) commits a Class A misdemeanor.

(B)

(i) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a), shall, upon conviction for the first offense:

(a) Be sentenced to serve in the county jail or workhouse not less than forty-eight (48) consecutive hours nor more than eleven (11) months and twenty-nine (29) days; and

(b) Be fined not less than three hundred fifty dollars (\$350) nor more than one thousand five hundred dollars (\$1,500).

(ii) A person violating § 69-9-217(a), upon conviction for the first offense with a blood alcohol concentration of twenty-hundredths of one percent (0.20%) or more, shall serve a minimum of seven (7) consecutive days rather than forty-eight (48) hours and be fined pursuant to subdivision (c)(1)(B)(i)(b).

(C)



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(i) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a) shall, upon conviction for a second offense:

(a) Be sentenced to serve in the county jail or workhouse not less than forty-five (45) consecutive days nor more than eleven (11) months and twenty-nine (29) days; and

(b) Be fined not less than six hundred dollars (\$600) nor more than three thousand five hundred dollars (\$3,500).

(ii) After sentencing the person to a period of confinement pursuant to subdivision (c)(1)(C)(i)(a), as a condition of probation, the judge may order the person to participate in a substance abuse treatment program, which includes any aftercare recommended by the treatment program, licensed or certified by the department of mental health and substance abuse services, which includes a certified drug court or DUI court, if the person first:

(a) Completes a clinical substance abuse assessment conducted pursuant to § 55-10-402(h); and

(b) Serves at least twenty-five (25) days of the period of incarceration imposed in the county jail or workhouse.

(D)

(i) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a) shall, upon conviction for a third offense:

(a) Be sentenced to serve in the county jail or workhouse not less than one hundred twenty (120) consecutive days nor more than eleven (11) months and twenty-nine (29) days; and

(b) Be fined not less than one thousand one hundred dollars (\$1,100) nor more than ten thousand dollars (\$10,000).

(ii) After sentencing the person to a period of confinement pursuant to subdivision (c)(1)(D)(i)(a), as a condition of probation, the judge may order the person to participate in a substance abuse treatment program, which includes any aftercare recommended by the treatment program, licensed or certified by the department of mental health and substance abuse services, which includes a certified drug court or DUI court, if the person first:

(a) Completes a clinical substance abuse assessment conducted pursuant to § 55-10-402(h); and

(b) Serves at least sixty-five (65) days of the period of incarceration imposed in the county jail or workhouse.

(E) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a), upon conviction for a fourth offense, shall:

(i) Be sentenced as a felon to serve not less than one hundred fifty (150) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class E felony; and

(ii) Be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

(F) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a), upon conviction for a fifth offense and for which prior convictions for vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218 are to be included, shall:

(i) Be sentenced as a felon to serve not less than the minimum sentence of imprisonment established in subdivision (c)(1)(E) for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class D felony; and

(ii) Be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

(G) Except as provided in subdivision (c)(1)(H), a sixth or subsequent conviction for violating § 69-9-217(a), including any other applicable prior conviction described in subdivision (c)(1)(F), is a Class C felony and any person sentenced under this subdivision (c)(1)(G) shall:

(i) Be sentenced to serve no less than the minimum sentence of imprisonment established in subdivision (c)(1)(E) for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class C felony; and

(ii) Be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

(H)

(i) If a person is convicted of a violation of § 69-9-217(a), and at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, the person's sentence shall be enhanced by:

(a) A mandatory minimum period of incarceration of thirty (30) days, which incarceration enhancement shall be served in addition to any period of incarceration received for the violation of § 69-9-217(a); and

(b) A fine of one thousand dollars (\$1,000), which enhanced fine is in addition to any other fine received for the violation of § 69-9-217(a).

(ii) Notwithstanding subdivisions (c)(1)(A)-(G), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child suffers serious bodily injury as the proximate result of the violation of § 69-9-217(a), the person commits a Class D felony and shall:

(a) Be punished as provided in § 39-13-106 for vehicular assault;

and

(b) Have the person's sentence enhanced by a fine of one thousand dollars (\$1,000), which enhanced fine is in addition to any other fine received for the violation of § 69-9-217(a).

(iii) Notwithstanding subdivisions (c)(1)(A)-(G), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child is killed as the proximate result of the violation of § 69-9-217(a), the person commits a Class B felony and shall:

(a) Be punished as provided in § 39-13-213(b)(2) for vehicular homicide involving intoxication; and

(b) Have the person's sentence enhanced by a fine of one thousand dollars (\$1,000), which enhanced fine is in addition to any other fine received for the violation of § 69-9-217(a).

(iv) Subdivisions (c)(1)(H)(i)-(iii) constitute an enhanced sentence, not a new offense.

(l) If a person is convicted of a violation of § 69-9-217(a), the sentencing court shall suspend the person's privilege to operate any vessel subject to registration or any commercial vessel, as defined in § 69-9-217(b), for a period of twelve (12) months.

(2) The court, in its discretion, may require a person convicted of a violation of § 69-9-217(a) to remove litter from public areas, playgrounds, picnic ramps, and areas giving the public access to the public waters of the state or to work in a recycling center or other appropriate location for any prescribed period of time in addition to any of the penalties otherwise provided in this section. A person sentenced to remove litter under this subdivision (c)(2) is allowed to do so at a time other than that person's regular hours of employment.

(3)

(A) The court may order any person convicted of a violation of § 69-9-217(a) to be subject to monitoring using one (1) or more of the following:

(i) Transdermal monitoring device or other alternative alcohol or drug monitoring device;

(ii) Electronic monitoring with random alcohol or drug testing;

(iii) Global positioning monitoring system, as defined in § 40-11-152. If the court determines that the person is indigent, the court shall order the person to pay any portion of the costs of such a system for which the person has the ability to pay, as determined by the court. Any portion of the costs of such a system that the person is unable to pay must come from the electronic monitoring indigency fund established pursuant to § 55-10-419, subject to the availability of funds; or

(iv) Any other monitoring device the court believes necessary to ensure the person complies with the conditions of probation and, if applicable, the results of the clinical substance abuse assessment.

(B) If the court orders a person to be subject to monitoring as provided in subdivision (c)(3)(A), the court, the department of correction, or any other agency, department, program, group, private entity, or association that is responsible for the supervision of such person shall:

(i) Require periodic reporting by the person for verification of the proper operation of the monitoring device;

(ii) Require the person to have the device monitored for proper use and accuracy by an entity approved by the supervising entity at least every thirty (30) days, or more frequently as the circumstances may require; and

(iii) Immediately notify the court of any of the person's violations of this subdivision (c)(3), which shall be considered a violation of the conditions of probation.

(4)

(A) An offender sentenced to a period of incarceration for a violation of § 69-9-217(a), is required to commence service of the sentence within thirty (30) days of conviction or, if space is not immediately available in the appropriate municipal or county jail or workhouse within such time, as soon as such space is available. The sheriff or chief administrative officer of a local jail or workhouse may use alternative facilities, as defined in § 55-10-402(f), for the incarceration of an offender convicted of a violation of § 69-9-217(a).

(B) This subdivision (c)(4) does not give an offender a right to serve a sentence for a violation of § 69-9-217(a) in an alternative facility or within a specified period of time. Failure of a sheriff or chief administrative officer of a jail to require an offender to serve the sentence within a certain period of time or in a certain facility or type of facility does not invalidate the sentence.

(5) Notwithstanding this section to the contrary, in counties with a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2020 federal census or any subsequent federal census, the judge exercising criminal jurisdiction may sentence a person convicted of violating § 69-9-217(a) for the first time to perform two hundred (200) hours of public service work in a supervised public service program in lieu of the minimum period of confinement required by subdivision (c)(1)(B).

(6)

(A) For purposes of this section, a person whose convictions for violating § 69-9-217(a) occur more than ten (10) years apart is not considered a multiple offender and the penalties imposed upon multiple offenders by subdivisions (c)(1) and (2) do not apply to such person.

(B) For purposes of determining if a person convicted of § 69-9-217(a) is a repeat or multiple offender, a prior conviction for driving under the influence of an intoxicant under § 55-10-401, vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated

vehicular homicide under § 39-13-218, must be treated the same as a prior conviction for boating under the influence under § 69-9-217(a) if the person was convicted of the prior offense within ten (10) years of the date of the present violation.

(7) A person charged with a violation of § 69-9-217(a) is not eligible for suspension of prosecution and dismissal of charges pursuant to §§ 40-15-102 — 40-15-105 or any other pretrial diversion program, nor is a person convicted under § 69-9-217(a) eligible for suspension of sentence or probation pursuant to title 40, chapter 35, part 3, or any other law authorizing suspension of sentence or probation, until such time as the person has fully served day for day at least the minimum sentence provided by law.

(8) All persons sentenced under subdivision (c)(1) or (c)(2) are required to serve the difference between the time actually served and the maximum sentence on probation. The judge, in the judge's discretion, may impose any conditions of probation that are reasonably related to the offense but shall impose the following conditions:

(A) Participation in an alcohol safety boating under the influence (BUI) school program, if available;

(B) Upon the second or subsequent conviction for violating § 69-9-217(a), participation in a program of rehabilitation at an alcohol treatment facility, if available; and

(C) The payment of restitution to any person suffering physical injury or personal losses as the result of such offense, if such person is economically capable of making such restitution.

(9)

(A) Any person convicted under § 69-9-217(a) of an initial or subsequent offense shall be advised in writing of the penalty for second and subsequent convictions and, in addition, when pronouncing sentence, the judge shall advise the defendant of the penalties for additional offenses.



(B) In the prosecution of second or subsequent offenders, the indictment or charging instrument must allege each prior conviction for violation of § 69-9-217(a), driving under the influence of an intoxicant under § 55-10-401, vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218, setting forth the time and place of each prior conviction.

(10) In addition to all other fines, fees, costs, and punishments, in any county having a county-operated blood alcohol concentration testing facility, a blood alcohol concentration (BAC) test fee in the amount of seventeen dollars and fifty cents (\$17.50) must be assessed upon conviction of an offense of operating a vessel subject to registration for each offender who has taken a breath-alcohol test on an evidential breath testing unit provided, maintained, and administered by a law enforcement agency in the counties or where breath, blood, or urine has been analyzed by a publicly funded forensic laboratory. This fee must be collected by the clerks of various courts of the counties and forwarded to the county trustee on a monthly basis, and designated for exclusive use by the law enforcement testing unit of the counties if the BAC test was conducted on an evidential breath-testing unit. If the blood alcohol test was conducted by a publicly funded forensic laboratory, the fee must be collected by the clerks of the various courts of the counties and forwarded to the county trustee on a monthly basis, and designated for exclusive use by the publicly funded forensic laboratory.

(11) A person arrested under this subsection (c) is not subject to strip searches or body cavity searches, or both, unless the arresting officer has probable cause to believe the arrested person may be concealing a weapon or contraband, or both, in such person's body cavity. "Contraband" includes, but is not limited to, illegal drugs.

(12) In addition to all other fines, fees, costs, and punishments now prescribed by law, an ignition interlock fee of forty dollars (\$40.00) must be assessed for each violation of § 69-9-217(a) occurring on or after July 1, 2018, and resulting in a conviction for such offense. All

proceeds collected pursuant to this subdivision (c)(12) must be transmitted to the treasurer for deposit in the electronic monitoring indigency fund pursuant to § 55-10-419(g).

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 378**

**House Bill No. 403\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 27, is amended by adding the following as a new part:

**43-27-201.**

The purpose of this part is to regulate the sale and distribution of products containing a hemp-derived cannabinoid.

**43-27-202.**

As used in this part, unless the context otherwise requires:

(1) "Batch" means a single stock keeping unit with common cannabinoid input or a hemp flower of the same varietal and harvested on the same date and manufactured during a defined cycle in such a way that it could be expected to be of a uniform character and should be designated as such;

(2) "Hemp-derived cannabinoid":

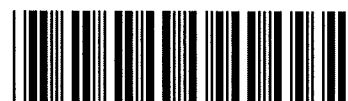
(A) Means:

(i) A cannabinoid other than delta-9 tetrahydrocannabinol, or an isomer derived from such cannabinoid, that is derived from hemp in a concentration of more than one-tenth of one percent (0.1%); or

(ii) A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of three-tenths of one percent (0.3%) or less on a dry weight basis;



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(B) Includes, but is not limited to:

- (i) Delta-8 tetrahydrocannabinol;
- (ii) Delta-10 tetrahydrocannabinol;
- (iii) Hexahydrocannabinol;
- (iv) Tetrahydrocannabiphorol (THCp);
- (v) Tetrahydrocannabivarin (THCv); and
- (vi) Tetrahydrocannabinolic acid (THCa); and

(C) Does not include:

- (i) Cannabichromene (CBC/CBCa/CBCv);
- (ii) Cannabicitran (CBT/CBTa);
- (iii) Cannabicyclol (CBL/CBLa);
- (iv) Cannabidiol (CBD/CBDa/CBDv/CBDp);
- (v) Cannabielsoin (CBE/CBEa);
- (vi) Cannabigerol (CBG/CBGa/CBGv/CBGm);
- (vii) Cannabinol (CBN/CBNa);
- (viii) Cannabivarin (CBV/CBVa);
- (ix) Hemp-derived feed products allowed under title 44,

chapter 6;

(x) Hemp-derived fiber, grain, or topical products; or

(xi) A substance that is categorized as a Schedule I

controlled substance on or after July 1, 2023, including a

substance that may be identified in subdivision (2)(B);

(3) "Manufacture" means to compound, blend, extract, infuse, cook, or otherwise make or prepare products containing a hemp-derived cannabinoid, including the processes of extraction, infusion, packaging, repackaging, labeling, and relabeling of products containing a hemp-derived cannabinoid;

(4) "Proof of age" means a valid driver license or other government-issued identification card that contains a photograph of the person and confirms the person's age as twenty-one (21) years of age or older;

(5) "Retailer" means a person or entity that sells products containing a hemp-derived cannabinoid for consumption and not for resale;

(6) "Serving" means a quantity of a hemp-derived cannabinoid product reasonably suitable for a single person's daily use; and

(7) "Supplier" means a person or entity that manufactures hemp-derived cannabinoids or sells products containing hemp-derived cannabinoids to retailers.

**43-27-203.**

(a)

(1) It is an offense for a person or entity to engage in the business of manufacturing, producing, or selling products containing a hemp-derived cannabinoid in this state without a valid license required by this part.

(2) A product containing a hemp-derived cannabinoid that is sold or offered for sale in violation of subdivision (a)(1) is subject to seizure and forfeiture pursuant to § 53-11-451.

(b)

(1) It is an offense to knowingly sell or distribute a product containing a hemp-derived cannabinoid without having first obtained proof of age from the purchaser or recipient.

(2) It is an offense for a person to knowingly sell or distribute a product containing a hemp-derived cannabinoid to a person who is under twenty-one (21) years of age or to purchase a product containing a hemp-derived cannabinoid on behalf of a person who is under twenty-one (21) years of age.

(3) It is an offense for a person to knowingly assist a person who is under twenty-one (21) years of age to purchase, acquire, receive, or attempt to purchase a product containing a hemp-derived cannabinoid.

(4) It is an offense for a person who is under twenty-one (21) years of age to knowingly purchase, possess, or accept receipt of a product containing a hemp-derived cannabinoid or to knowingly present purported proof of age that is false, fraudulent, or not actually that person's for the purpose of purchasing or receiving a product containing a hemp-derived cannabinoid.

(5) This subsection (b) does not preclude law enforcement efforts involving:

(A) The use of a minor if the minor's parent or legal guardian has consented to this action; or

(B) The use of a person under twenty-one (21) years of age who is not a minor if the individual has consented to this action.

(c) It is an offense to knowingly distribute samples of products containing a hemp-derived cannabinoid in or on a public street, sidewalk, or park.

(d) A violation of this section is a Class A misdemeanor.

(e) Notwithstanding this part to the contrary and except as provided in § 43-27-205, state and local law enforcement officers have concurrent jurisdiction to enforce violations of this section and § 43-27-204.

**43-27-204.**

(a) As used in this section:

(1) "Counter" means the point of purchase at a retail establishment; and

(2) "Retail establishment" means a place of business open to the general public for the sale of goods or services and does not include a place of business for which entry is limited to persons twenty-one (21) years of age or older.

(b) A product containing a hemp-derived cannabinoid must be maintained behind the counter of a retail establishment in an area inaccessible to a customer.

(c) A violation of this section is a Class A misdemeanor.

**43-27-205.**

(a) The department of agriculture is responsible for:

(1) Issuing licenses to suppliers and retailers under this part;

(2) Overseeing the manufacture and distribution of hemp-derived cannabinoid products by licensed suppliers, including ensuring compliance with labeling, product testing, and transportation requirements and conducting necessary inspections, prior to a product's delivery or sale to a retailer; and

(3) Conducting random, unannounced inspections at locations where hemp-derived cannabinoids and products containing hemp-derived cannabinoids are manufactured, distributed, or sold to ensure compliance with this part.

(b) The department of revenue:

(1) Is responsible for ensuring retailers are in compliance with this part and applicable tax provisions under title 67, including § 67-6-232;

(2) Shall enforce this part in a manner that may reasonably be expected to reduce the extent to which non-compliant hemp-derived cannabinoid products are sold and shall conduct random, unannounced inspections at retail locations where such products are sold to ensure compliance with this part. The department of revenue shall determine the frequency of random, unannounced inspections required under this subdivision (b)(2); and

(3) Is authorized to confiscate non-compliant hemp-derived cannabinoid products as contraband in the manner described in title 53, chapter 11. All products that the department of revenue confiscates under this subdivision (b)(3) are subject to seizure and forfeiture pursuant to § 53-11-451.

(c) Each department shall submit an annual report to the general assembly describing in detail the department's compliance and enforcement efforts under this part. The report must also be published and made available to the public on each department's website.

**43-27-206.**

(a) A person or entity that is in the business of manufacturing or selling products containing a hemp-derived cannabinoid in this state, including as a supplier or retailer, must obtain a license from the department of agriculture authorizing the person or entity to engage in that business prior to the commencement of business or by January 1, 2024, whichever is later.

(b)

(1) In order to obtain and maintain a supplier or retailer license under subsection (a), a person must:

(A) Submit to the department of agriculture information prescribed by rules as necessary for the efficient enforcement of this part;

(B) Pay to the department of agriculture a fee of five hundred dollars (\$500) for supplier or two hundred fifty dollars (\$250) per retailer per location;

(C) Consent to reasonable inspection and sampling by the department of agriculture, or the department of revenue as applicable, of the person's inventory of products containing a hemp-derived cannabinoid; and

(D) Submit to a criminal history background check that includes fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation.



(2) A person is not eligible to obtain or maintain a supplier or retailer license while serving a sentence for, or for ten (10) years following the date of conviction for, a drug-related felony offense in any state or federal jurisdiction.

(3)

(A) A retail location that is within one thousand feet (1,000') of a private school, public school, or charter school that serves any grades from kindergarten through grade twelve (K-12) shall not sell products containing a hemp-derived cannabinoid, unless the applicant provides the department with documentation that establishes that products containing a hemp-derived cannabinoid were being offered for sale at retail at such location on December 31, 2023.

(B) The department shall accept business records, photographs, and video recordings as documentation for purposes of determining whether an applicant qualifies for the exception in subdivision (b)(3)(A).

(C) For the purposes of subdivision (b)(3)(A), measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a retail establishment to the nearest point on the property line of a parcel containing a private school, public school, or charter school that serves any grades from kindergarten through grade twelve (K-12).

(c) A license issued pursuant to this section is valid for a period of one (1) year and may be renewed annually. The department of agriculture shall charge an annual renewal fee equal to the initial licensing fee.

(d) The department of agriculture is authorized to:

(1) Determine requirements for and issue licenses for the manufacture or sale of products containing a hemp-derived cannabinoid in this state; and

(2) Deny or revoke licenses and issue civil penalties in the following manner for each violation of this part, or a rule promulgated pursuant to this part, as follows:

- (A) One thousand dollars (\$1,000) for a first violation;
- (B) Two thousand five hundred dollars (\$2,500) for a second violation that occurs within two (2) years of the first violation;
- (C) Five thousand dollars (\$5,000) for a third violation that occurs within two (2) years of the first violation;
- (D) Revocation of the license for a fourth violation that occurs within two (2) years of the first violation; and
- (E) Require retraining of all employees of the licensee under the supervision of the department in addition to the civil penalty imposed pursuant to subdivisions (d)(2)(A)-(C).

(e) The revenue collected from fees established under subdivision (b)(1)(B) must be deposited in the Tennessee agriculture regulatory fund, created by § 43-1-701, and used exclusively for the administration of this part.

**43-27-207.**

(a) Testing of products and substances must be conducted as follows:

(1) Full-panel testing on all active cannabinoid molecules must be conducted prior to final production of products containing a hemp-derived cannabinoid; and

(2) A potency test must be conducted on finished goods to confirm potency is consistent with stated potency on the packaging.

(b)

(1) A supplier or retailer must contract with a third-party laboratory to provide the testing required by subsection (a).

(2) The department of agriculture is authorized to promulgate rules specifying which types of tests may be used to satisfy the requirements of subsection (a) and the qualifications for laboratories from which the department will accept test results.

(c) Each batch manufactured must undergo testing and obtain a certificate of analysis by a third-party laboratory qualified under subsection (b).

(d) The department of agriculture shall:

(1) Promulgate rules specifying pass/fail action levels for safety and toxicity with respect to the testing required by subsection (a);

(2) Maintain and post on its website a registry of testing laboratories that are qualified to test intermediate manufactured material and finished products containing a hemp-derived cannabinoid;

(3) Develop an application and process by which qualifying laboratories are listed on its website. The application submitted by a potentially qualifying laboratory must include a sample certificate of analysis issued by the applying laboratory; and

(4) Sample and analyze products containing a hemp-derived cannabinoid produced, distributed, or offered for sale in this state for cannabinoid concentrations, tested according to protocols prescribed by rule under this part. Departmental testing methods must employ liquid chromatography tandem mass spectrometry, in a manner similarly reliable to post-decarboxylation, to determine a cannabinoid profile of samples tested, including their THC concentrations.

**43-27-208.**

(a) Except as provided in subsection (b), a person transporting products containing a hemp-derived cannabinoid into, within, or through this state shall carry:

(1) Documentation sufficient to prove that the products being shipped or transported:

(A) Were produced from hemp that was lawfully produced under a state or tribal hemp plan approved by the United States department of agriculture, under a hemp license issued by the United States department of agriculture, or otherwise in accordance with federal regulations through the state or territory of the Indian tribe, as applicable; and

(B) Do not exceed the cannabinoid limits for hemp-derived cannabinoids; and

(2) A bill of lading that includes:

(A) Name and address of the owner of the products;

(B) Point of origin;

(C) Point of delivery, including name and address;

(D) Kind and quantity of packages or, if in bulk, the total quantity of products in the shipment; and

(E) Date of shipment.

(b) Subsection (a) does not apply to a person in possession of products containing a hemp-derived cannabinoid that were purchased from a retailer that is licensed under this part.

**43-27-209.**

(a) A product containing a hemp-derived cannabinoid that is sold at retail must:

(1) Satisfy the child-resistant effectiveness standards under 16 CFR 1700.15(b)(1) when tested in accordance with the requirements of 16 CFR 1700.20; and

(2) Be labeled with:

(A) A list of ingredients and possible allergens and a nutritional fact panel;

(B) A warning statement concerning the risk of impairment from consumption of the product, keeping the product out of the reach of

children, and other warning information as required by rule of the department of agriculture;

(C) If the product is ingestible, the amount of cannabinoid in each serving of the product, measured in milligrams;

(D) The total amount of hemp-derived cannabinoid in the entire package, measured in milligrams;

(E) The net weight of the product;

(F) A quick response (QR) code that can be scanned to access a website providing the product's batch number, date received, date of completion, method of analysis for the testing report required under § 43-27-207, including information regarding results of the product's full-panel and potency tests conducted pursuant to § 43-27-207(a); and

(G) An expiration date.

(b) A person who obtains a product containing a hemp-derived cannabinoid that is sold at retail shall store any unconsumed portion of the product in its original packaging. It is a Class C misdemeanor offense for a person to violate this subsection (b).

(c) A retailer or supplier of a product containing a hemp-derived cannabinoid shall not advertise, market, or offer for sale a product containing a hemp-derived cannabinoid by using, in the labeling or design of the product or product packaging or in advertising or marketing materials for the product trade dress, trademarks, branding, or other related imagery or scenery that depicts or signifies characters or symbols known to appeal primarily to persons under twenty-one (21) years of age, including, but not limited to, superheroes, comic book characters, video game characters, television show characters, movie characters, and unicorns or other mythical creatures.

(d) An ingestible product containing a hemp-derived cannabinoid shall not:

(1) Be sold in a serving that contains more than twenty-five (25) milligrams, in the aggregate, of one (1) or more hemp-derived cannabinoids; or

(2) Be formed into the shape of an animal or cartoon character.

(e) The department of agriculture is authorized to promulgate rules for the packaging, labeling, and display of products containing a hemp-derived cannabinoid that are offered for sale in this state.

**43-27-210.**

(a) This part does not permit a person to:

(1) Undertake any task under the influence of a hemp-derived cannabinoid when doing so would constitute negligence or professional malpractice; or

(2) Operate, navigate, or be in actual physical control of a motor vehicle, aircraft, motorized watercraft, or any other vehicle while under the influence of a hemp-derived cannabinoid.

(b) This part does not require:

(1) An employer to accommodate the use of a hemp-derived cannabinoid in a workplace or an employee working while under the influence of a hemp-derived cannabinoid;

(2) An individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use a hemp-derived cannabinoid on or in that property; or

(3) An individual or establishment in lawful possession of property to admit a guest, client, customer, or other visitor who is impaired as a result of the person's use of a hemp-derived cannabinoid.

(c) This part does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from use of a hemp-derived cannabinoid or

relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(d) This part does not:

(1) Limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy;

(2) Create a cause of action against an employer for wrongful discharge or discrimination; or

(3) Allow the possession, sale, manufacture, or distribution of any substance that is otherwise prohibited by title 39, chapter 17, part 4.

**43-27-211.**

The departments of agriculture and revenue are authorized to promulgate rules to effectuate this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 53-11-451(a), is amended by adding the following as a new subdivision:

(8) All products containing a hemp-derived cannabinoid that are manufactured, transported, packaged, labeled, displayed, distributed as samples, offered for sale, or sold in violation of title 43, chapter 27, part 2.

SECTION 3. Tennessee Code Annotated, Section 53-11-451(b), is amended by adding the following language immediately after the first sentence in the subdivision:

Property subject to forfeiture under title 43, chapter 27, part 2, may be seized by the director of the Tennessee bureau of investigation or the director's authorized representative, agent, or employee; the commissioner of safety or the commissioner's authorized representative, agent, or employee; the commissioner of agriculture or the commissioner's authorized representative, agent, or employee; the commissioner of revenue or the commissioner's authorized representative, agent, or employee; or a sheriff, deputy sheriff, municipal law enforcement officer, campus police officer as

defined in § 49-7-118, internal affairs director or internal affairs special agent of the department of correction, or constable upon process issued by any circuit or criminal court having jurisdiction over the property.

SECTION 4. Tennessee Code Annotated, Section 53-11-451(k), is amended by deleting the language "subdivisions (a)(1) and (7)" and substituting "subdivisions (a)(1), (7), and (8)".

SECTION 5. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following as a new section:

**67-6-232.**

(a) For the exercise of the privilege of engaging in the business of selling products containing a hemp-derived cannabinoid in this state pursuant to title 43, chapter 27, part 2, there is levied an additional tax at the rate of six percent (6%) of the sales price of products containing a hemp-derived cannabinoid when sold at retail in this state.

(b) The tax levied under this section is due and payable monthly on the first day of each month, and for the purpose of ascertaining the amount of tax payable under this section, all retailers making taxable sales on or before the twentieth day of each month shall transmit to the commissioner of revenue, upon forms prescribed by the commissioner, returns showing gross sales during the preceding month.

(c) All revenue generated from the tax levied pursuant to subsection (a) must be deposited into a special account in the state general fund, with fifty percent (50%) being allocated to the department of revenue and fifty percent (50%) being allocated to the department of agriculture, to be used exclusively for the regulation of products containing a hemp-derived cannabinoid in this state.

SECTION 6. For purposes of promulgating rules or forms, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes:



(1) Sections 43-27-202, 43-27-203(b)-(e), 43-27-204, and SECTION 5 take effect July 1, 2023, the public welfare requiring it;

(2) For purposes of requiring the department of revenue to ensure that retailers are in compliance with applicable tax provisions, Section 43-27-205(b)(1) takes effect July 1, 2023; and

(3) All other sections take effect January 1, 2024, the public welfare requiring it.